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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JACK J. DEMARTINI,

12 Plaintiff,

13 v.

14 RYAN C. WITT, *et al*,

15 Defendants.

Case No. C08-5106RBL-KLS

ORDER DISMISSING
COMPLAINT

16 The Court, having reviewed the complaint, the Report and Recommendation of Judge Karen L.
17 Strombom, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- 18 (1) the Court adopts the Report and Recommendation;
19 (2) plaintiff's complaint is DISMISSED with prejudice;
20 (3) The Clerk is directed to terminate this action pursuant to **28 U.S.C. § 1915(e)** and to count
21 this as a dismissal under **28 U.S.C. § 1915(g)**; and
22 (4) the Clerk is directed to send copies of this Order to plaintiff and to Magistrate Judge Karen
23 L. Strombom.

24 DATED this 12th day of September, 2008.

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27 RONALD B. LEIGHTON
28 UNITED STATES DISTRICT JUDGE